UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/RES/50/38
12 February 1996

Fiftieth session
Agenda item 18

RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Special Political and Decolonization Committee (Fourth Committee) (A/50/602)]

50/38. Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands

A

GENERAL

The General Assembly,

Having considered the questions of the Non-Self-Governing Territories of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands, hereinafter "the Territories",

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 1/

Recognizing that 1995 is the fiftieth anniversary of the United Nations and that decolonization is one of the proudest achievements of the Organization,

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1/ A/50/23 (Part VI), chap. X.

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to those Territories, including, in particular, the resolutions adopted by the General Assembly at its forty-ninth session on the individual Territories covered by the present resolution,

Recognizing that the specific characteristics and the sentiments of the people of the Territories require flexible, practical and innovative approaches to the options of self-determination, without any prejudice to territorial size, geographical location, size of population or natural resources,

Recalling its resolution 1541 (XV) of 15 December 1960, containing the principles that should guide Member States in determining whether or not an obligation exists to transmit the information called for under Article 73 e of the Charter of the United Nations,

Conscious of the need to ensure the full and speedy implementation of the Declaration in respect of the Territories, in view of the target set by the United Nations to eradicate colonialism by the year 2000,

Noting with appreciation the continuing exemplary cooperation of New Zealand, as administering Power, in the work of the Special Committee, and welcoming its statement that it will abide by the wishes of the population of Tokelau in determining their future political status,

Welcoming the stated position of the Government of the United Kingdom of Great Britain and Northern Ireland that it continues to take seriously its obligations under the Charter of the United Nations to develop self-government in the dependent Territories and, in cooperation with the locally elected Governments, to ensure that their constitutional frameworks continue to meet the wishes of the people, and the emphasis that it is ultimately for the peoples of the Territories to decide their future status,

Aware of the special circumstances of the geographical location and economic conditions of each Territory, and bearing in mind the necessity of promoting economic stability and diversifying and strengthening further the economies of the respective Territories as a matter of priority,

Conscious of the particular vulnerability of the small Territories to natural disasters and environmental degradation,

Aware of the usefulness both to the Territories and to the Special Committee of the participation of appointed and elected representatives of the Territories in the work of the Special Committee,

Expressing its conviction that referendums and other forms of popular consultation on the future status of the Non-Self-Governing Territories are an appropriate means of ascertaining the wishes of the peoples in those Territories with regard to their future political status,

Mindful that United Nations visiting missions provide one effective means of ascertaining the situation in the Territories, and considering that the possibility of sending further visiting missions to the Territories at an

appropriate time and in consultation with the administering Powers should be kept under review,

Mindful also that some Territories have not had any United Nations visiting mission for a long period of time,

Noting with appreciation the contribution to the development of some Territories by specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme, as well as regional institutions such as the Caribbean Development Bank,

1. Approves the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Non-Self-Governing Territories of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands, hereinafter "the Territories"; 1/

2. Reaffirms the inalienable right of the people of the Territories to self-determination, including independence, in conformity with the Charter of the United Nations and General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

3. Reaffirms also that it is ultimately for the people of the Territories themselves to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Powers, in cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of the possibilities open to them in the exercise of their right to self-determination, in conformity with the legitimate political status options clearly defined in resolution 1541 (XV);

4. Requests the administering Powers to ascertain expeditiously, by means of popular consultations, the wishes and aspirations of the peoples of Non-Self-Governing Territories regarding their future political status so that the Special Committee can review the status of the Territories in accordance with the expressed wishes of the peoples of the Territories;

5. Also requests the administering Powers to facilitate the dispatch of the United Nations visiting missions to the Non-Self-Governing Territories regarding their future political status so that the Special Committee can review the status of the Territories in accordance with the expressed wishes of the peoples of the Territory;

6. Reaffirms the responsibility of the administering Powers under the Charter to promote the economic and social development and to preserve the cultural identity of the Territories, and recommends that priority continue to be given, in consultation with the territorial Governments concerned, to the strengthening and diversification of their respective economies;

7. Requests the administering Powers to take all necessary measures to protect and conserve the environment of the Territories under their

administration against any environmental degradation, and requests the specialized agencies concerned to continue to monitor environmental conditions in those Territories;

8. Calls upon the administering Powers, in cooperation with the respective territorial Governments, to continue to take all necessary measures to counter problems related to drug trafficking, money laundering and other offences;

9. Stresses that the achievement of the declared goal of eradication of colonialism by the year 2000 requires full and constructive cooperation by all parties concerned, and appeals to the administering Powers to continue to give their full support to the Special Committee;

10. Urges Member States to contribute to the efforts of the United Nations to usher in the twenty-first century in a world free of colonialism, and calls upon them to continue to give their full support to the Special Committee in its endeavours towards that noble goal;

11. Invites the specialized agencies and other organizations of the United Nations system to initiate or to continue to take all necessary measures to accelerate progress in the social and economic life of the Territories;

12. Requests the Special Committee to continue the examination of the question of the small Territories and to recommend to the General Assembly the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination, and to report thereon to the Assembly at its fifty-first session.

82nd plenary meeting
6 December 1995

B

INDIVIDUAL TERRITORIES

I. American Samoa

The General Assembly,

Referring to resolution A above,

Noting the fact that a large number of American Samoans have emigrated to the United States of America and are residing there,

Noting also the constitutional developments in the Territory,

Noting further that the Territory, similar to isolated communities with limited funds, continues to experience lack of adequate medical facilities and other infrastructural requirements,

Recalling the dispatch in 1981 of a United Nations visiting mission to the Territory,

1. Requests the administering Power to carry out, at the earliest possible date, a democratic exercise to ascertain the wishes of the people of American Samoa regarding the future status of the Territory;

2. Calls upon the administering Power to continue to assist the territorial Government in the economic and social development of the Territory and the development of manpower resources.

II. Anguilla

The General Assembly,

Referring to resolution A above,

Noting that general elections were held in March 1994,

Conscious of the commitment of both the Government of Anguilla and the administering Power to a new and closer policy of dialogue and partnership through the Country Policy Plan for 1993-1997,

Aware that the exploitation of deep-sea resources would help reduce the risk of depleting the Territory's own fishing resources as a result of overfishing,

Noting the need for continued cooperation between the administering Power and the territorial Government in tackling the problems of drug trafficking and money laundering,

Recalling the dispatch in 1984 of a United Nations visiting mission to the Territory,

1. Requests the administering Power to carry out, at the earliest possible date, an exercise to ascertain the wishes of the people of Anguilla regarding the future status of the Territory;

2. Requests all countries, organizations and United Nations agencies with deep-sea fishing experience to assist the Territory in improving its capacity in exploiting deep-sea fishing.

III. Bermuda

The General Assembly,

Referring to resolution A above,

Noting the results of the independence referendum held on 16 August 1995,

Conscious of the different viewpoints of the political parties of the Territory on the future status of the Territory,

Noting the measures taken by the Government to combat racism and the plan to set up a Commission for Unity and Racial Equality,

Noting also the closure of the Canadian base in 1994 and the announced plans of the United Kingdom of Great Britain and Northern Ireland and the United States of America to close their respective air and naval bases in Bermuda in 1995,

Calls upon the administering Power to continue its programmes of socio-economic development.

IV. British Virgin Islands

The General Assembly,

Referring to resolution A above,

Noting the completion of the constitutional review in the Territory and the coming into force of the amended Constitution, and noting also the results of the general elections held on 20 February 1995,

Noting further the results of the constitutional review of 1993-1994, which made it clear that a prerequisite to independence must be a constitutionally expressed wish by the people as a result of a referendum,

Taking note of the statement by the Chief Minister of the British Virgin Islands that the Territory was ready for constitutional and political advancement towards full internal self-government and that the administering Power should assist through gradual transfer of power to elected territorial representatives,

Noting that the Territory is emerging as one of the world's leading off-shore financial centres,

Noting also the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money laundering,

1. Requests the administering Power to continue the process for facilitating the expression of the will of the people regarding the future status of the Territory;

2. Also requests the administering Power, specialized agencies and other organizations of the United Nations system and all financial institutions to continue to provide assistance to the Territory for socio-economic development and development of human resources, bearing in mind the vulnerability of the Territory to external factors.

V. Cayman Islands

The General Assembly,

Referring to resolution A above,

Noting the constitutional review of 1992-1993, according to which the population expressed the sentiment that the existing relations with the United

Kingdom of Great Britain and Northern Ireland should be maintained and that the current status of the Territory should not be altered,

Noting also the actions taken by the territorial Government to implement its localization programme to promote increased participation of the local population in the decision-making process in the Cayman Islands,

Noting with concern the vulnerability of the Territory to drug trafficking and related activities, as well as the measures taken by the authorities to deal with those problems,

Noting that the Territory has emerged as one of the world's leading off-shore financial centres,

Recalling the dispatch in 1977 of a United Nations visiting mission to the Territory,

1. Requests the administering Power to continue to provide the territorial Government with all required expertise to enable it to achieve its socio-economic aims;

2. Also requests the administering Power, in consultation with the territorial Government, to continue to facilitate the expansion of the current programme of securing employment for the local population, in particular at the decision-making level;

3. Requests the specialized agencies and other organizations of the United Nations system to continue and increase their programmes of assistance to the Territory with a view to strengthening, developing and diversifying its economy;

4. Calls upon the administering Power and the territorial Government to continue to cooperate to counter problems related to money laundering, smuggling of funds and other related crimes, as well as drug trafficking.

VI. Guam

The General Assembly,

Referring to resolution A above,

Noting the results of the general elections held in November 1994,

Recalling that, in a referendum held in 1987, the people of Guam endorsed a draft Guam Commonwealth Act that would establish a new framework for relations between the Territory and the administering Power, providing internal self-government for Guam and recognition of the right of the people of Guam to self-determination for the Territory,

Aware of the continued negotiations between the administering Power and the territorial Government on the draft Guam Commonwealth Act and on the future status of the Territory, with particular emphasis on the question of the evolution of the relationship between the United States of America and Guam,

Recalling the statement by the Special Representative of the United States of America for Guam Commonwealth Issues on 12 December 1993 that the Administration hoped to have comments on the Commonwealth Bill before Congress by the end of 1994,

Cognizant that the administering Power continues to implement its programme of transferring surplus federal land to the Government of Guam,

Noting that the people of the Territory have called for reform in the programme of the administering Power with respect to the thorough and expeditious transfer of land property to the people of Guam,

Conscious that immigration into Guam has resulted in the indigenous Chamorros becoming a minority in their homeland,

Aware of the potential for diversifying and developing the economy of Guam through commercial fishing and agriculture and other viable activities,

Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory,

1. Calls upon the administering Power and the territorial Government to expedite the early conclusion of the negotiations on the draft Guam Commonwealth Act and on the future status of the Territory;

2. Requests the administering Power to continue to assist the elected territorial Government in achieving its political, economic and social goals;

3. Also requests the administering Power, in cooperation with the territorial Government, to continue the transfer of land to the people of the Territory and to take the necessary steps to safeguard their property rights;

4. Further requests the administering Power to continue to recognize and respect the political rights and the cultural and ethnic identity of the Chamorro people and to take all necessary measures to respond to the concerns of the territorial Government with regard to the immigration issue;

5. Requests the administering Power to continue to support appropriate measures by the territorial Government aimed at promoting growth in commercial fishing and agriculture and other viable activities.

VII. Montserrat

The General Assembly,

Referring to resolution A above,

Noting the functioning of a democratic process in Montserrat,

Taking note of the reported statement of the Chief Minister that his preference was for independence within a political union with the Organization of Eastern Caribbean States and that self-reliance was more of a priority than independence,

Recalling the dispatch in 1982 of a United Nations visiting mission to the Territory,

1. Requests the administering Power to conduct an appropriate exercise, at the earliest possible date, to ascertain the will of the people regarding the future status of the Territory;

2. Requests the specialized agencies and other organizations of the United Nations system, as well as regional and other multilateral financial institutions, to continue their assistance to the Territory in the strengthening, development and diversification of the economy of Montserrat in accordance with its medium- and long-term development plans.

VIII. Pitcairn

The General Assembly,

Referring to resolution A above,

Taking into account the unique nature of the Territory in terms of population and area,

Expressing its satisfaction with the continued economic and social advancement of the Territory, as well as with the improvement of its communications with the outside world and its management plan to address conservation issues,

Requests the administering Power to continue its assistance for improvement of the economic, social, educational and other conditions of the population of the Territory.

IX. St. Helena

The General Assembly,

Referring to resolution A above,

Aware of the request by the Legislative Council of St. Helena that the administering Power conduct a constitutional review in the Territory,

Taking into account the unique character of the Territory, its population and its natural resources,

Aware of the efforts of the administering Power and the territorial authorities to improve the socio-economic conditions of the population of St. Helena, in particular in the sphere of food production,

1. Requests the administering Power to conduct the constitutional review in the Territory, taking into account the wishes of its population;

2. Requests the administering Power and relevant regional and international organizations to continue to support the efforts of the territorial Government to address the socio-economic development of the Territory.

X. Tokelau

The General Assembly,

Referring to resolution A above,

Having heard the statements of the representative of New Zealand, the administering Power, and the Special Representative of Tokelau, who conveyed a message from the Council of Faipule (joint chairmen of the General Fono (Council)) to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling the solemn declaration on the future status of Tokelau delivered by the Ulu-o-Tokelau (highest authority of Tokelau) on 30 July 1994, that an act of self-determination in Tokelau is now under active consideration, together with the constitution of a self-governing Tokelau, and that the present preference of Tokelau is for a status of free association with New Zealand,

Noting the emphasis placed in the solemn declaration on the terms of Tokelau's intended free association relationship with New Zealand, including the expectation that the form of help Tokelau could continue to expect from New Zealand in promoting the well-being of its people, besides its external interests, would be clearly established in the framework of that relationship,

Noting also the Territory's concentrated focus in 1995 on strengthening its national institutions and creating a structure of government to meet modern needs, preparatory to the exercise by the people of Tokelau of their right to self-determination,

Acknowledging the endeavours of Tokelau to be self-reliant to the greatest extent possible,

Noting with appreciation the continuing exemplary cooperation of the administering Power with regard to the work of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Tokelau and its readiness to permit access by United Nations visiting missions to the Territory,

Recalling the dispatch in 1994 of a United Nations visiting mission to Tokelau,

1. Notes, on the basis of statements made by representatives of the administering Power and Tokelau subsequent to the 1994 United Nations visiting mission, that Tokelau is working towards an act of self-determination that would result in Tokelau assuming a status in accordance with the options on future status for Non-Self-Governing Territories contained in Principle VI of the annex to General Assembly resolution 1541 (XV) of 15 December 1960;

2. Also notes the expressed wishes of the people of the Territory indicating a strong preference for a status of free association with New Zealand;

3. Further notes the readiness of the people of Tokelau to assume full governmental responsibility and to conduct their own affairs within the framework of a constitution, which is currently being developed;

4. Welcomes the assurances of the Government of New Zealand that it will meet its obligations to the United Nations with respect to Tokelau and abide by the freely expressed wishes of the people of Tokelau with regard to their future status;

5. Invites the administering Power and United Nations agencies to continue their assistance to the social and economic development of Tokelau.

XI. Turks and Caicos Islands

The General Assembly,

Referring to resolution A above,

Noting recent changes to the Constitution of the Territory and the intention of the territorial Government to continue to campaign for further constitutional changes,

Noting also that general elections took place in the Territory on 31 January 1995,

Noting further the policy of the authorities of maintaining a balance between creating a more liberal investment environment and preserving access by the population to economic benefits,

Noting the increase in aid, in particular financial assistance, granted to the territorial Government by the Government of the United Kingdom of Great Britain and Northern Ireland,

1. Requests the administering Power to conduct, at the earliest possible date, an appropriate exercise to ascertain the will of the people regarding the future status of the Territory;

2. Calls upon the administering Power and the relevant regional and international organizations to continue to support the efforts of the territorial Government to address the socio-economic development of the Territory.

XII. United States Virgin Islands

The General Assembly,

Referring to resolution A above,

Noting that general elections were held in November 1994,

Noting also that a majority of those who voted in the referendum on the political status of the Territory on 11 October 1993 supported the existing territorial status arrangement with the United States of America,

Noting further the continuing interest of the territorial Government in seeking associate membership in the Organization of Eastern Caribbean States and observer status in the Caribbean Community,

Noting the necessity of further diversifying the Territory's economy,

Noting also that the question of Water Island is still under consideration,

Noting further that in 1993 the territorial Government purchased the assets of the West Indian Company, which had significant property and development interests in the Charlotte Amalie Harbour,

Recalling the dispatch in 1977 of a United Nations visiting mission to the Territory,

1. Requests the administering Power to continue to assist the elected territorial Government in achieving its political, economic and social goals;

2. Also requests the administering Power to facilitate the participation of the Territory, as appropriate, in various organizations, in particular the Organization of Eastern Caribbean States and the Caribbean Community;

3. Welcomes the negotiations between the administering Power and the territorial Government on the question of Water Island.

82nd plenary meeting
6 December 1995